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✓ #27

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/174,804	10/19/1998	DAVID MORROW	WARR-0127-R	6167

7590 04/10/2002  
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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/10/2002

#27

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/174,804

Applicant(s)

Morrow et al

Examiner

M. Chambers

Art Unit

3711



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Jun 11, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-82 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☒ Claim(s) 1-57, 68-74, and 77-82 is/are allowed.

6) ☒ Claim(s) 58, 59, 75, and 76 is/are rejected.

7) ☒ Claim(s) 60-67 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

This Office Action is a response to the Application filed on:

Number	Name	Date	Claims	Independent Claims
09174804	Morrow et al	10/19/98	74	5

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 58,59,75,76 are rejected under 35 U.S.C. 102(e) as being **anticipated** by **MacNeil**.

**MacNeil** discloses an open frame, means for securing a net, a projection for attachment of a handle, a front side of said sidewalls curving generally downwardly to a point below said plane beginning adjacent said base so as to impart a curved geometry when viewed in side elevation. (Fig 2).

As to claims 59: **MacNeil** discloses a sidewall that curves away from said plane.

As to claims 75: **MacNeil** discloses an open frame, a plurality of apertures, a projection for attachment of a handle, a front side of said sidewalls located adjacent said base being offset below said plane.

As to claims 76: **MacNeil** discloses an open frame, a plurality of apertures, a socket for attachment of a handle, a front side of said sidewalls curving generally downwardly to a point below said plane beginning adjacent said base so as to impart a curved geometry when viewed in side elevation. (Fig 2).

***Allowable Subject Matter***

As to claims 1-57: It would not have been obvious with the art of record to have had the sidewalls in a lacrosse head to curve downward and then upward.

As to claims 68-74: It would not have been obvious with the art of record to have had the sidewalls located within a half of the length adjacent the base in a lacrosse head to curve downward and then upward.

As to claim 77: It would not have been obvious with the art of record to have had the sidewalls curve downward beginning said plane to a point below said base and above said handle/head axis.

As to claims 78-81: It would not have been obvious with the art of record to have had the sidewalls located within a half of the length adjacent the base in a lacrosse head to curve downward and then upward.

As to claim 82: It would not have been obvious with the art of record to have had the sidewalls located within a half of the length adjacent the base in a lacrosse head to curve downward and then upward toward the said plane.

Claims 60-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Reissue Applications***

2. Applicant is reminded of the continuing obligation under 37 CFR 1.56 to timely apprise the Office of any litigation information, or other prior or concurrent proceeding, involving Patent No. 5,568,925, which is material to patentability of the claims under consideration in this reissue application. This obligation rests with each individual associated with the filing and prosecution

of this application for reissue. See MPEP §§ 1404, 1442.01 and 1442.04.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-82 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and relied upon.


Patent Number	Date	Patent Name	Notes
5494297	2/27/96	MacNeil	1449 document

***NOTE: 1) If Applicant believes they have not received all of the cited references noted in this office action, they should call the examiner listed below within one (1) week of receiving this notice in order to obtain duplicate material and reset the time frame of this office action. If the applicant fails to request additional materials in a timely manner, the requested materials will be resent, but the applicant will have to obtain a time extension in the normal fashion.***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Michael Chambers** whose telephone number is (703) 306-5516. The examiner can normally be reached on Mon.-Fri. from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeanette E. Chapman, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1078.

  
Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700